

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

DOE Subscriber Assigned IP Address  
71.58.216.197,

Defendant.

**CASE NO. 4:15-cv-2281**

**COUNTER DEFENDANT'S MOTION FOR LEAVE TO FILE MOTION TO DISMISS  
AND EXHIBIT "A" UNDER SEAL**

Counter Defendant, Christopher Fiore (“Mr. Fiore” or “Counter Defendant”), moves for entry of an order permitting him to file his Motion to Dismiss and Exhibit “A” under seal, and states:

1. This is a copyright infringement case against a John Doe Defendant Assigned IP Address 71.58.216.197 (“Defendant”) who was initially only known to Plaintiff, Malibu Media, LLC (“Plaintiff”) by an IP address. As such, on December 2, 2015, Plaintiff was granted Leave to serve a third Party Subpoena on Defendant’s ISP, Comcast Cable Holdings, LLC, to obtain the Defendant’s identifying information [CM/ECF 8].

2. On January 14, 2016, Defendant filed a Motion for Protective Order and Motion to Quash Plaintiff’s subpoena to the ISP. On February 10, 2016, this Court denied Defendant’s Motion to Quash but entered an Order permitting Defendant to proceed anonymously in this case. As such, all parties are prohibited from disclosing Defendant’s true identity in any publically filed document in this case.

3. On July 21, 2016, Defendant filed a Third Party Complaint against Plaintiff’s

former attorney, Counter Defendant, Christopher Fiore (“Mr. Fiore” or “Counter Defendant”).

4. Mr. Fiore has prepared a Motion to Dismiss Defendant’s Third Party Complaint. However, the Motion to Dismiss and its Exhibit “A” contains specific facts about Defendant’s true identity. Because Mr. Fiore’s Motion to Dismiss relies on information containing Defendant’s identity, and this Court has prohibited the public disclosure of Defendant’s identity, Mr. Fiore is filing this motion so that he may file his Motion to Dismiss and Exhibit “A” under seal.

5. As such, good cause exists to grant this motion.

WHEREFORE, Counter Defendant respectfully requests that the Court allow him to file his Motion to Dismiss and Exhibit “A” under seal. A proposed order is attached for the Court’s convenience.

Dated: December 20, 2016

Respectfully submitted,  
FIORE & BARBER, LLC

*/s/ Christopher P. Fiore*  
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*Pro Se Counter Defendant*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

*/s/ Christopher P. Fiore*